



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 18 2015

CERTIFIED MAIL 7008 1830 0000 2488 5196
RETURN RECEIPT REQUESTED

Mr. Robert D. Johnson
Director, Spirit Airlines, Inc.
2800 Executive Way
Miramar, Florida 33025

Re: **NOTICE OF VIOLATION AND REQUEST FOR INFORMATION**
Aircraft Public Water System Identification Number: AC0006236
FAA Registry No: N625NK

The U.S. Environmental Protection Agency oversees implementation of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f – 300j-26, and the Aircraft Drinking Water Rule (ADWR), 40 C.F.R. §§ 141.800 – 810. To facilitate implementation of the ADWR, the EPA has developed a centralized, web-based Aircraft Reporting and Compliance System (ARCS) for air carriers to use as an Agency approved method to submit required information in an electronic format.

Based on EPA's review of the data submitted in ARCS by Spirit Airlines, Inc., (Spirit), there have been a number of violations for the above mentioned aircraft public water systems (APWS). These violations are identified below:

<u>APWS Identification #/ FAA Registry No)</u>	<u>Reporting Deadline</u>	<u>Violation</u>
AC0006236 (N625NK)	01/24/15	Failure to timely report Total Coliform positive (TC+)/E. Coli negative (EC-) sampling results
	11/29/14	Failure to timely report non-routine disinfection and flushing (D&F)

These are violations of the SDWA and the ADWR and include the following:

1. Pursuant to 40 C.F.R. § 141.806(b)(4), air carriers must report to the EPA all events requiring notification to passengers or crew, or non-routine D&F, or non-routine sampling, within 10 days of the event.
 - a. The information in ARCS and reviewed by the EPA indicates that Spirit failed to report TC+/EC- coliform sampling results within 10 days of receipt of the results. The coliform sampling results were received by Spirit on January 14, 2015, reporting to the EPA was due by January 24, 2015, however, Spirit did not report the sampling event until February 19, 2015. Therefore, Spirit is in violation of 40 C.F.R. § 141.806(b)(4) for failure to timely report non-routine coliform sampling.

- b. The information in ARCS and reviewed by the EPA indicates that Spirit also failed to report the non-routine D&F within 10 days of the event. The non-routine D&F was conducted on January 15, 2015, reporting to the EPA was due on January 26, 2015, however, Spirit did not report the results until February 9, 2015. Therefore, Spirit is in violation of 40 C.F.R. § 141.806(b)(4) for failure to timely report non-routine D&F.
2. Pursuant to 40 C.F.R. § 141.810(a), An aircraft is in violation of the ADWR when for any aircraft water system it owns or operators it fails to comply with the reporting requirements of the ADWR. Therefore, Spirit is in violation of 40 C.F.R. § 141.810(a) for failure to comply with the reporting requirements of ADWR Section 141.806(b)(4).

The information in ARCS and reviewed by the EPA indicated that Spirit properly performed the required corrective actions, the failure was in timely reporting these corrective actions. Due to the corrective actions being completed no additional corrective actions are required for the above violations.

SDWA Section 1414, 42 U.S.C. § 300g-3, authorizes the EPA to take formal enforcement action against public water systems for violations of the national primary drinking water regulations, including ADWR. Within **fifteen (15) days** of receipt of this notice of violation, Spirit shall submit a description of how the air carrier plans to ensure that these type of violations do not continue to occur. Please submit this information to the EPA at the address below. This letter is both a notice of violation and an informal request for information. It does not represent the initiation of a formal enforcement action.

Amanda Driskell, Enforcement Officer
Grants and Drinking Water Protection Branch
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Agency
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Please be advised that any information provided may be used by the EPA in any administrative, civil, or criminal proceedings related to this or other matters.

Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* for your use and to assist you in understanding the compliance assistance resources and tools available to you.

If you have any questions or concerns, please contact Ms. Driskell, of my staff at (404) 562-9735 or driskell.amanda@epa.gov. Any legal inquiries should be directed to Wilda Cobb, Associate Regional Counsel, at (404) 562-9530 or cobb.wilda@epa.gov.

Sincerely,


James D. Giattina
Director
Water Protection Division

Enclosure